

September 14, 2015

Mr. John P. Canoles  
Eco-Science Professionals, Inc.  
P O Box 5006  
Glen Arm, Maryland 21057

Re: John Brown Butchery and Store  
Forest Buffer Variance  
Tracking # 03-15-2060

Dear Mr. Canoles:

A request for a variance from Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains was received by the Department of Environmental Protection and Sustainability (EPS) on August 31, 2015. If granted, this request would allow the continued use of approximately 24,400 square feet (0.56 acres) of Forest Buffer Easement (FBE) as the vast majority (1.8 acres) of this 2.0-acre, long-standing commercial property is within one hundred year floodplain and/or FBE. The applicant proposes that the avoidance of any direct impacts to the FBE will serve as a mitigative measure to minimize impacts associated with this project.

This relatively flat property is diagonally split by a first and second order, Use III (trout) tributary to the Oregon Branch. A second, first order tributary stream further divided the back half of the property into quarters. The site is partially wooded and is developed with a long-standing commercial operation that is being renovated for reopening. As part of the work, a proposed 200 sq. ft. addition to meet ADA and health codes is triggering the application of the Law. A parking lot, garage, accessory stone structure and lawn areas occur within the recently applied FBE. All of the structures and uses predate the Law from which the variance is sought.

This Department has reviewed your request and has determined that a practical difficulty results from the need to renovate the use of the long-standing structure that predates the Law. Furthermore, we find that granting the variance will have minimal impact to water quality, as little increase in impervious surface or intensification of uses in the FBE will occur. Additionally, the remaining FBE shall be enlarged to better provide water quality benefits, and the actual amount of buffer area authorized to continue to be disturbed for historical uses will be less than what currently exists.

Therefore, we will grant this request in accordance with Section 33-3-106(a)(1) of the Baltimore County Code with the following conditions to further minimize impacts to water quality:

1. The parking lot shall not be expanded beyond its existing footprint for any future uses.
2. The non-disturbance portion of the FBE as required by Section 33-3-111 shall be expanded on the northeast portion of the property such that there shall only exist a 15' mowed shoulder along the service road that appears to be encroaching from Shawan Downs (Enclosure 1). The impacts for the encroaching use shall not exceed 5,000 square feet.
3. Furthermore, the continued use area of FBE on the southwest half of the property shall be reduced such that the one-hundred year floodplain is part of the non-disturbance area (Enclosure 2). This reduction totals approximately 2,000 square feet and forms a triangle whose base extends approximately 50' from the existing treeline. The variance as requested and modified shall total 27,400 square feet and will include the service road to the northeast and the FBE that is beyond the floodplain on the southwest portion.
4. The remaining, reduced FBE and the Forest Conservation Easement shall be left undisturbed in accordance with Section 33-3-112 of the Baltimore County Code. However, we acknowledge that the FBE is crossed by an electric service line and that BGE and its contractors will periodically maintain that area to provide stable, uninterrupted service to the community.
5. Surveyed limits of the Forest Buffer Easement and the Forest Buffer and Forest Conservation Easement shall be clearly marked at eleven (11) locations in the field as shown on the enclosure with "Forest Buffer Easement-Do Not Disturb" signs and permanent below-grade monuments to facilitate identification of easement limits. The signs, which are available from private sign contractors (enclosures 2 and 3) and the permanent monuments shall be installed prior to building permit issuance or October 23, 2015; whichever comes first.
6. The Forest Buffer Easement and the Forest Buffer and Forest Conservation Easement and their Declarations of Protective Covenants must be recorded via the right-of-way plat process prior to March 10, 2016. The recordation package must be approved by EPS prior to issuance of any future permits for this property.
7. The notes on the following page must appear on all plans submitted for this project:

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- “On September 14, 2015, a variance was granted by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains. The Forest Buffer Easement and the Forest Buffer and Forest Conservation Easements shown hereon is reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts including posting its limit with signage and permanent below-grade monuments.”
- “There shall be no clearing, grading, construction, or disturbance of vegetation in the Forest Buffer Easement and the Forest Buffer and Forest Conservation Easement except as permitted by the Baltimore County Department of Environmental Protection and Sustainability.”
- “Any Forest Buffer Easement and Forest Conservation Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.”

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the party responsible for meeting the conditions of this variance sign the statement below and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in processing the building permit for this project.

If you have any questions regarding this correspondence, please contact Michael S. Kulis at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina  
Director

VJG/msk

Enclosures (3)

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I/we agree to the above conditions to bring my/our property into compliance with the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name